

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

BRIAN SCHAAP,

Plaintiff,

v.

BENYAMA DONTE MORMAN BELL,

Defendant.

CAUSE NO.: 2:20-CV-143-TLS

ORDER

This matter is before the Court sua sponte. The Plaintiff filed a Complaint [ECF No. 1] on April 8, 2020, against Louis Arcuri, Jr., Arcides Santiago, Sayra Jiminez-Segovia, Je Sanchez, the City of East Chicago, Indiana, and Defendant Benyama Donte Morman Bell. On July 12, 2023, the Court dismissed the constitutional claims against Defendants Arcuri, Santiago, Jiminez-Segovia, Sanchez, and the City of East Chicago, leaving only state law claims against Defendant Bell. ECF No. 91.

The Court must continuously police its subject matter jurisdiction and dismiss an action over which the Court lacks subject matter jurisdiction. *See Page v. Democratic Nat'l Comm.*, 2 F.4th 630, 634 (7th Cir. 2021) (“[F]ederal courts, as courts of limited jurisdiction, must make their own inquiry to ensure that all statutory requirements are met before exercising jurisdiction.”). On September 21, 2023, the Court issued an Opinion and Order [ECF No. 95], raising a concern about the lack of diversity of citizenship for purposes of diversity jurisdiction over the remaining state law claims against Defendant Bell. The Court ordered the Plaintiff to file a supplemental jurisdictional statement that properly alleges federal diversity jurisdiction. The Court stated that a failure to file the requested supplemental jurisdictional statement on or

before October 5, 2023, would constitute an admission that diversity of citizenship between the Plaintiff and Defendant Bell cannot be demonstrated, in which case the Court would enter an order relinquishing its supplemental jurisdiction over the state law claims against Defendant Bell and dismiss those claims without prejudice. *See* 28 U.S.C. § 1337(c)(3). The Plaintiff did not file a supplemental jurisdictional statement.

Accordingly, the Court DISMISSES the remaining claims against Defendant Benyama Donte Morman Bell without prejudice for lack of subject matter jurisdiction.

SO ORDERED on November 15, 2023.

s/ Theresa L. Springmann

JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT